THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 21285 of 2006

Dated: 04-12-2006

Between:

Anwar Basha

..... PETITIONER

AND

The Deputy Transport Commissioner and
Secretary, Regional Transport
Authority, Kadapa.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 21285 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondent-Deputy Transport Commissioner and Secretary, Regional Transport Authority, Kadapa in not entertaining the application of the petitioner for transfer of ownership of the vehicle bearing No. KA 01/B 9639 is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

The material on record shows that one V.Yakeen Valli is the owner of the vehicle bearing No.KA 01/B 0639 which is covered by contract carriage permit No.23/STA/01 valid up to 05-11-2006. It appears that the said V.Yakeen Valli along with the petitioner herein made a joint application before the respondent herein seeking permission for transfer of the said permit in favour of the petitioner under Section 82 of the Motor Vehicles Act, 1988 read with Rule 220 and 221 of the Andhra Pradesh Motor Vehicle Rules, 1989 (for short 'the Rules'). Having considered the same, the respondent by order dated 20-09-2006 accorded permission for transfer of permit from the name of V.Yakeen Valli to the name of the petitioner and accordingly advised the petitioner (transferee) to obtain the transfer of ownership in the registration certificate from the Registering Authority, Kadapa within 30 days. Pursuant thereto, both the transferor and the petitioner, who is the transferee made applications before the Registering Authority for transfer of the ownership in the registration certification.

The said applications were returned by the respondent on the ground that W.P.No.24375 of 2003 relating to payment of difference of tax to the tune of Rs.3,14,760/- against the vehicle in question is pending before this Court.

In the counter affidavit filed on behalf of the respondent, it is not disputed that the V.Yakeen Vallie (transferor) as well as the petitioner, who is the transferee made separate applications in Form 29 and Form 30 as prescribed under Rule 55 of the Central Motor Vehicles Rules, 1989 seeking transfer of ownership in the registration certificate. Even with regard to payment of Rs.3,14,760/- allegedly due towards the tax and penalty is concerned, in the counter affidavit it is stated that the petitioner ought to have furnished an indemnity bond for the said amount.

As a matter of fact, in his application dated 22-09-2006 the petitioner undertook to pay the said amount in the event of this Court upholding the liability.

In the circumstances, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to furnish an indemnity bond for the amount in question. The petitioner is also granted liberty to resubmit the applications filed in Form 29 and Form 30 in which event, the respondents shall entertain the same and pass appropriate orders with regard to transfer of ownership within a period of one week from the date of receipt of such applications together with indemnity bond. No costs.

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G. ROHINI, J

Dated: 04-12-2006

Note: Issue C.C. in three days.

B/o

KLP